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Vice President



Arizona State Board of Optometry
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Executive Director

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**FINAL MINUTES FOR REGULAR SESSION MEETING
FEBRUARY 27, 2004 9:00AM**

Board Members

Robert J. Maynard, O.D., President
Robert B. Pinkert, O.D., Vice President
Caroline Griego, O.D.
Christina M. Sorenson, O.D.
Curtis R. Winkler, M.D.
Lawrence Ponemon, PhD

Staff:

Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

Legal Counsel:

Blair Driggs, Assistant Attorney General

A. CALL TO ORDER:

Dr. Maynard called the meeting to order at 9:07 a.m.

B. ROLL CALL:

Board Members Present: Robert J. Maynard, O.D., President
Caroline Griego, O.D.
Lawrence Ponemon, PhD
Robert B. Pinkert, O.D., Vice President
Christina M. Sorenson, O.D.

Board Members Absent: Curtis Winkler, M.D

Legal Counsel Present: Blair Driggs, Assistant Attorney General

Staff Present: Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

C. PRESIDENT'S REPORT:

1. ARBO/NBREC/National News

Dr. Sorenson reported on the national meeting and addressed CE and other licensing requirements.

D. INFORMAL INTERVIEWS:

1. ASBOO vs. Lawrence R. Stern, O.D., IR#200332

Dr. Stern appeared before the Board and was represented Curt Goering, Attorney at law. Also present were Ms. Sandy Stern and the complainants.

Dr. Sorenson summarized the case and issues being reviewed during this informal interview. The Board questioned and received testimony from Dr. Stern, Sandy Stern and the complainants.

MOTION: Dr. Sorenson moved to enter executive session for the purpose of obtaining legal advice from the Board's attorney. Dr. Pinkert seconded the motion.

VOTE: Motion passed 5-0.

The Board exited regular session and convened executive session at 12:17 PM.

The Board resumed regular session at 12:33 PM.

MOTION: Dr. Maynard moved to issue a decree of censure for violation of A.R.S. §32-1743 (4) Unprofessional Conduct to include Charging for fees not rendered and lack of communication to patients and notes and charts. Dr. Pinkert seconded motion.

AMENDED MOTION: Dr. Maynard and Dr. Pinkert agreed to remove the "charging for fees not rendered" from their original motion and second.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	2	X	X				
NO	3			X		X	X
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion failed 2-3.

MOTION: Dr. Pinkert moved to issue a letter of concern based on previous issues. Dr. Ponemon seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X		X		X	X

NO	1		X				
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passed 4-1.

2. ASBOO vs. Tim M. Takeoka, O.D., IR#200243

POSTPONED

E. REVIEW, DISCUSSION AND VOTE ON INVESTIGATION REVIEWS/COMPLAINTS:

3. ASBOO vs. Ritchie Barron, IR#200111

Mr. Confer summarized the case and asked the Board to dismiss for lack of violation of the optometry practice act.

MOTION: Dr. Griego moved to dismiss the case. Dr. Sorenson seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X	X			X
NO	0						
ABSTAIN	0						
ABSENT	2				X	X	

VOTE: Motion passes 4-0.

4. T.N. vs. Lensquest & Vision Direct, IR#200335

Dr. Maynard summarized the case and asked the Board to dismiss for lack of violation of the optometry practice act.

MOTION: Dr. Sorenson moved to dismiss the case and refer to the FTC. Dr. Ponemon seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X	X			X
NO	0						
ABSTAIN	0						
ABSENT	2				X	X	

VOTE: Motion passes 5-0.

5. ASBOO vs. Arnold Gullard, IR# 200232

Mr. Confer summarized the case and asked the Board to dismiss for lack of violation of the optometry practice act.

MOTION: Dr. Sorenson moved to dismiss the case. Dr. Griego seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X	X			X
NO	0						
ABSTAIN	0						
ABSENT	2				X	X	

VOTE: Motion passes 4-0.

6. ASBOO vs. Juan LeDezma, IR#200247

Mr. Confer summarized the case and asked the Board to dismiss for lack of violation of the optometry practice act.

MOTION: Dr. Griego moved to dismiss the case. Dr. Sorenson seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X	X			X
NO	0						
ABSTAIN	0						
ABSENT	2				X	X	

VOTE: Motion passes 4-0.

7. T.T. vs. Stephen S. Richman, O.D., IR#200402

Dr. Pinkert summarized the case and asked the Board to issue a letter of concern for violation of the optometry practice act for not releasing the contact lens prescription.

MOTION: Dr. Ponemon moved to issue a letter of concern for violation of the optometry act. Dr. Maynard seconded motion. Motion withdrawn.

SECOND MOTION: Dr. Pinkert moved to dismiss the case. Dr. Ponemon seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	3	X		X			X
NO	1		X				
ABSTAIN	1					X	
ABSENT	1				X		

VOTE: Motion passes 3-1, 1 abstention.

8. ASBOO vs. Philip A. Stein, O.D., IR#200253

Dr. Pinkert summarized the case and asked the Board to dismiss for lack of violation of the optometry practice act.

MOTION: Dr. Sorenson moved to dismiss the case. Dr. Griego seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X		X	X
NO	0						
ABSTAIN	0						
ABSENT	1				X		

VOTE: Motion passes 5-0.

F. REVIEW, DISCUSSION AND POSSIBLE RECONSIDERATION OF IR#200328:

9. D.B. vs. David A. Kaplan, O.D., IR#200328/IR#200405

Dr. Maynard summarized the case and asked the Board to dismiss for lack of violation of the optometry practice act.

MOTION: Dr. Pinkert moved to dismiss the case. Dr. Sorenson seconded motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X		X	X
NO	0						
ABSTAIN	0						

ABSENT	1				X		
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VOTE: Motion passes 5-0.

G. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. § 32-1704 (D) and A.A.C. R4-21-208.

Fiscal Year 2003/2004

	Continuing Education		Date	No. of hours requested
a.	International Vision Expo East	International Vision Expo East 2004	3/25-3/28/04	206 Regular 19 PM
b.	Barnet Dulaney Perkins Eye Center	New Clinical Perspectives 2004	1/17/04	5 Regular
c.	Corazon Behavioral Health Services	Crossing Boundaries in Professional Practice	N/A	3 Regular
d.	Southern Arizona Optometric Society	Why do We need another Silicone Hydrogel?	2/17/04	1 Regular
e.	CIBA Vision	New Technologies in Contact Lenses	2/27/04	1 Regular
f.	University of Houston	Cornea, Contact Lens, and Contemporary Vision Care, the 20th Annual Symposium	11/21-11/23/03	24 Regular
g.	Heart of America Contact Lens Society	43rd Annual HOA Contact Lens and Primary Care Congress	2/13-2/15/04	54 Regular
h.	Central AZ Optometric Society	Various lectures	2/3/04	3 Regular

MOTION: Dr. Griego moved to accept all CE as listed. Dr. Sorenson seconded the motion.

VOTE: The motion passed 4-0. Dr. Pinkert was not present for this vote.

H. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATION:

Do, Chau

MOTION: Dr. Sorenson moved to approve Dr. Do for licensure. Dr. Ponemon seconded the motion.

VOTE: The motion passed 4-0.

K. REVIEW, DISCUSSION AND POSSIBLE VOTE ON UTILIZATION OF A NEW JURISPRUDENCE EXAMINATION.

10. January 16, 2004, Regular Meeting Minutes

MOTION: Dr. Ponemon moved to approve tab 10. Dr. Sorenson seconded the motion.

VOTE: The motion passed 5-0.

L. REVIEW, DISCUSSION AND POSSIBLE VOTE CONCERNING ILLINOIS COLLEGE OF OPTOMETRY CURRICULUM LETTER DATED JANUARY 20, 2004.

11. Letter dated January 20, 2004 from Janice E. Scharre, O.D., Dean/Vice President for Academic Affairs

Tabled until March Board meeting.

M. EXECUTIVE DIRECTOR'S REPORT:

The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A)(3).

12. Budget Report (Information Only)
Budget Summary Report (Legislation)
13. Board Statistics (Information Only)
14. Summary of Investigative Reviews (Possible Discussion)
15. Review, discussion and possible vote on Issuing Original Wall Licenses with Digital Signatures
16. 2004 Agency Calendar
17. Litigation Update: Nicholas Kowalczyk vs. Arizona State Board of Optometry
18. Newspaper Article
19. Legislation Update

Mr. Confer reported on tabs 12-19 inclusive. Tab 17 was postponed to the March meeting.

N. CALL TO PUBLIC:

Dr. Maynard made a call to the public at 1:35 p.m. No one was present to address the Board.

Dr. Sorenson moved to adjourn the meeting. Dr. Ponemon seconded the motion. Meeting adjourned at 1:40 p.m.

END OF MINUTES:

Jack Confer, Executive Director

Date